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Attorneys for Defendants Bryan Mazzola (improperly pled as Bryan Mazolla) and Susan Fitzgerald

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MICHAEL S. JOHNSON, DONNA  
DYMKOWSKI, PATRICIA LONG-  
CORREA, ANTONIO SAMUEL,  
VINCENT HALL, ANGELETTE  
WATERS, Individually, and on behalf of  
the Class,

Plaintiffs,

v.

NEXTEL COMMUNICATIONS, INC., a  
Delaware Corporation; LEEDS, MORELLI  
& BROWN, P.C.; LENARD LEEDS;  
STEVEN A. MORELLI; JEFFREY K.  
BROWN; JAMES VAGNINI; FREDERIC  
DAVID OSTROVE; BRYAN MAZOLLA;  
SUSAN FITZGERALD; AND JOHN  
AND JANE DOES 1-10, (a fictitious  
designation for presently unknown  
Defendants),

Defendants.

Civil Action No.:  
1 :07cv08473 (GBD)

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**SUPPLEMENTAL MEMORANDUM  
IN FURTHER SUPPORT OF CROSS-  
MOTION OF DEFENDANTS BRYAN  
MAZZOLA AND SUSAN  
FITZGERALD TO  
DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT  
PURSUANT TO FED.R.CIV.P.  
12(b)(6)**

Defendants Bryan Mazzola (improperly pled as Bryan Mazolla) and Susan Fitzgerald<sup>1</sup> hereby submit this Supplemental Memorandum in lieu of a more formal brief in further support of their cross-motion to dismiss Plaintiffs' Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

Defendants rely upon the supplemental motion papers filed by co-defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq. and Jeffrey K. Brown, Esq. to dismiss Plaintiffs' Complaint pursuant to Fed.R.Civ.P. 12(b)(6) and hereby incorporate the co-defendants' arguments as their own.

**STERNS & WEINROTH**  
A Professional Corporation  
Attorneys for Defendants  
**Bryan Mazzola and Susan Fitzgerald**

By: /s/ Jason S. Feinstein  
jfeinstein@sternslaw.com

Dated: February 29, 2008

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<sup>1</sup> As of the filing of the within cross-motion, Defendants James Vagnini and Frederic David Ostrove have not been served with plaintiffs' First Amended Complaint. If and when these Defendants are properly served, it is anticipated that Sterns & Weinroth, P.C. will act as their counsel.